

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00

INRE-00 ERDA-05 CIAE-00 H-02 INR-07 L-02 NSAE-00

OIC-02 OMB-01 PA-01 PM-03 PRS-01 SAJ-01 SAM-01 SP-02

SS-15 TRSE-00 DODE-00 NSC-05 ACDA-05 BIB-01 /077 W

----- 016610

O R 141745Z MAY 75

FM US MISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2917

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

US MISSION BERLIN 383

US MISSION NATO 3146

C O N F I D E N T I A L GENEVA 3533

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: QUADRIpartite RIGHTS AND RESPONSIBILITIES

REF: (A) GENEVA 3284; (B) GENEVA 3126; (C) GENEVA 3059; (D) GENEVA 2963; (E) GENEVA 2745; (F) STATE 104773

1. SUMMARY: BONN GROUP ALLIES ARE EXHIBITING SOME DISARRAY IN RANKS AND SOVIETS ARE URGING TOUGH FOUR POWER PRESSURE TO GET NEUTRALS TO ACCEPT EXISTING FRENCH TEXT OR SOMETHING VERY CLOSE TO IT, BOTH OF WHICH DEVELOPMENTS SUGGEST QUAD-RIPARTITE RIGHTS AND RESPONSIBILITIES (QRR) SOLUTION STILL SOME DISTANCE AWAY. FOUR POWER HEADS OF DELEGATION WILL CONTINUE DISCUSSION AT LUNCH MAY 16. DEPARTMENT VIEWS SOUGHT ON VARIOUS UK, FRG AND SOVIET TEXTUAL AMENDMENTS. END SUMMAR.

2. IN SEPARATE BONN GROUP ADVISORS AND HEADS OF DELEGATION  
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MEETINGS MAY 13 TO CONSIDER STRATEGY FOR QRR DISCUSSION

WITH SOVIET HEAD OF DELEGATION (KOVALEV) LATER THAT DAY, IT BECAME CLEAR THAT EARLIER UNDERSTANDINGS WITH RESPECT TO MIDDLE FALLBACK AND SWISS FULL FALLBACK TEXTS WERE BECOMING FRAYED. FRENCH REPORTED THAT THEY HAVE NEW INSTRUCTIONS EXPRESSING UNEASINESS WITH MIDDLE FALLBACK AND PREFERENCE FOR SWISS TEXT AS RESULT OF WHICH THEY DECIDED NOT TO MAKE BILATERAL APPROACH TO SOVIETS PREVIOUSLY ENVISAGED (REF A). FRG SAID THAT IF MIDDLE FALLBACK ADVANCED THEY WOULD WISH TO SEE "WHICH REFLECT THEM" DROPPED. FRG AND UK INDICATED THAT IF WORK WERE TO PROCEED ON BASIS OF SWISS TEXT THEY WOULD WISH TO SEE "EXISTING" REPLACED BY "LEGAL" BEFORE "RIGHTS AND OBLIGATIONS". UK ADDED THAT DEL EXPECTS TO CONVINCE LONDON THAT PHRASE SUCH AS "WITH RESPECT TO OTHER STATES" SHOULD ALSO BE ADDED TO SWISS TEXT TO AVOID GIVING SOVIETS POSSIBILITY OF ARGUING THAT TEXT COVERED PURELY INTERNAL RIGHTS AND THEREFORE COULD BE CITED AS JUSTIFICATION FOR AVOIDING ANY POLITICAL COMMITMENTS MADE IN CSCE. IN VIEW OF ALLIED INABILITY TO CONCENTRATE ON SPECIFIC TEXT OR TACTIC AT THIS POINT, IT WAS AGREED THAT HEADS OF DELEGATIONS WOULD HAVE TO HOLD BASICALLY LISTENING BRIEF AT LATER MEETING AND ATTEMPT TO PLUMB DEPTHS OF SOVIET FLEXIBILITY ON EXISTING QRR TEXT. DESPITE OUR URGING, FRENCH, WHO CONTINUE TO TAKE LEAD IN EXERCISE, CHOSE NOT TO PASS SWISS TEXT TO SOVIETS BUT MERELY TO DESCRIBE IT IN GENERAL TERMS AS SORT OF SIMPLER TEXT THAT MIGHT HAVE SOME ATTRACTION FOR MANY DELS.

3. SOVIETS INDICATED UNHAPPINESS THAT ALLIES NO LONGER MAINTAINED EARLIER ASSESSMENT THAT NEUTRALS COULD BE WON OVER BY MINOR MODIFICATIONS TO WORD "RESPONSIBILITIES" IN EXISTING FRENCH TEXT. THEY ARGUED THAT FOUR POWER READINESS TO GO FURTHER WOULD ONLY WHET APPETITES OF NEUTRALS AND INCREASE "SCOPE FOR IRRESPONSIBILITY IN CONFERENCE". THEIR PREFERENCE, REPEATED SEVERAL TIMES, WAS TO DEMONSTRATE FORTHCOMING ATTITUDE BY ACCEPTING SMALL QUALIFICATION OF RESPONSIBILITY AND THEN TO "PUSH" TEXT THROUGH BY EXPANDING SPONSORSHIP TO INCLUDE FOUR POWERS AND TWO GERMAN STATES AND BY BRINGING INTO PLAY "FULL CAPACITIES" OF FOUR POWERS. ALLIED AMBASSADORS  
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EXPRESSED CONCERN THAT SOVIET TACTICS WOULD MERELY HARDEN NEUTRALS' POSITION. SOVIETS REJECTED SUGGESTION THAT THEY TAKE OWN SOUNDINGS WITH NEUTRAL DELS TO SEE IF THEIR ASSESSMENT OF DEPTH OF NEUTRAL OPPOSITION TO EXISTING TEXT MATCHED OUR OWN, SAYING THAT ACCURATE ESTIMATE OF NEUTRAL VIEWS COULD ONLY BE ASCERTAINED IF FOUR POWERS ACTED TOGETHER.

4. SOVIETS ADDED THAT IN ADDITION TO "UNDER OR IN CONFORMITY WITH INTERNATIONAL LAW" THEY COULD ACCEPT "SPECIFICALLY DEFINED" AS QUALIFICATION TO "RESPONSIBILITIES". FRENCH INDICATED SOME INTEREST IN THIS BUT US AND UK REPS SAID THIS EARLIER SWISS PROPOSAL GAVE DIFFICULTIES. SOVIETS ALSO SAID THEY WOULD REPORT FAVORABLY TO MOSCOW ON "RECOGNIZED" AS POSSIBLE QUALIFIER FOR "RESPONSIBILITIES", AND ASKED ALLIES TO GET INSTRUCTIONS ON THIS.

5. FRENCH AMBASSADOR DESCRIBED SWISS TEXT IN GENERAL TERMS AS ONE WHICH MIGHT FOCUS ONLY ON "RIGHTS AND OBLIGATIONS", BUT SAID ONLY THAT HE HAD HEARD TALK FROM SOME DELS THAT SUCH A SHORTER AND VAGUER FORMULA MIGHT PROVIDE ANSWER. HE INDICATED THAT NO SUCH TEXT PRESENTLY EXISTED BUT URGED SOVIETS TO THINK HOW ONE MIGHT BE DRAFTED. SOVIETS SAID SUCH A TEXT WOULD BE CONTRARY TO THEIR INSTRUCTIONS, AND THEY WOULD HAVE STRONG DOUBTS ABOUT IT. FOUR POWERS AGREED TO REPORT DISCUSSION TO AUTHORITIES AND TO CONTINUE DISCUSSION AT LUNCH MAY 16.

6. COMMENT: WE SEE FIRST ORDER OF BUSINESS AS PUTTING ALLIED HOUSE IN ORDER AND TO THIS END WE PROPOSE TO SEEK EARLY DISCUSSIONS DESIGNED TO PRODUCE COMMON POSITION ON MIDDLE FALLBACK AND SWISS TEXTS. IT MAY PROVE POSSIBLE TO TALK FRG INTO ACCEPTING "WHICH REFLECT THEM" IN MIDDLE FALLBACK, AND BRITISH HAVE ALREADY BEGUN EFFORT. FRENCH PROBLEM WITH MIDDLE FALLBACK, THOUGH NOT AS YET SPECIFIED, MAY BE MORE TROUBLESOME IF IT STEMS FROM SAUVAGNARGUES" HAVING FOCUSED PERSONALLY ON SWISS TEXT AS PREFERRED ALTERNATIVE. IN ANY EVENT, APPEAL OF MIDDLE FALLBACK TO NEUTRALS IS DEBATABLE  
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WHILE THEY HAVE INDICATED REAL INTEREST IN SWISS TEXT. IT MAY WELL PROVE EASIER AND MORE PRACTICAL, THEREFORE, TO UNITE ALLIES AROUND SWISS TEXT OR SOMETHING CLOSE TO IT. WE ARE SOMEWHAT LESS CONCERNED THAN BRITISH THAT PRESENT SWISS TEXT MIGHT GIVE SOVIETS WAY OUT OF ALL UNPLEASANT POLITICAL COMMITMENTS THEY MAKE IN VARIOUS CSCE DOCUMENTS. THERE ALREADY IS AGREED LANGUAGE IN PRINCIPLES DECLARATION (NOTABLY THE SENTENCE AGREED FOR EVENTUAL INCORPORATION INTO THE FIRST PRINCIPLE) THAT SAFEGUARDS A STATE'S RIGHT TO DETERMINE ITS OWN DOMESTIC LEGISLATION, AND LANGUAGE IN HUMAN CONTACTS SECTION OF BASKET III ON "MUTUALLY ACCEPTABLE CONDITIONS". NON-LEGAL NATURE OF ALL CSCE DOCUMENTS PROVIDES FURTHER ESCAPE CLAUSE FOR STATE SO MINDED WITHOUT REQUIRING IT TO ATTEMPT TO MISUSE QRR SAVING CLAUSE. ON OTHER HAND,

WE WOULD TEND TO REGARD AS ACCEPTABLE IF IT FURTHERED CONSENSUS UK SUGGESTION THAT SWISS TEXT MIGHT BE SLIGHTLY EXPANDED TO READ "...CANNOT AND WILL NOT AFFECT THEIR EXISTING RIGHTS AND OBLIGATIONS WITH RESPECT TO OTHER STATES" OR PERHAPS MORE APPROPRIATELY "WITH RESPECT TO EACH OTHER AND TO OTHER STATES". WHILE BERLIN IS OF COURSE NOT A STATE, UK FORMULATION WOULD BE INTENDED TO COVER QRR WITH RESPECT TO GERMANY AS A WHOLE, INTO WHICH THE BERLIN PROBLEM IS MERGED. WE ALSO WOULD THINK IT ACCEPTABLE TO SUBSTITUTE "LEGAL" FOR "EXISTING" AS UK AND FRG DESIRE BOTH TO AVOID IMPLICATION THAT SOME QRR'S MAY HAVE FALLEN OUT OF EXISTENCE AND TO PROVIDE MILD HEDGE AGAINST BREZHNEV DOCTRINE.

7. WHILE WE BELIEVE ALLIED CONSENSUS MIGHT APPROPRIATELY BE FORMED AROUND MODIFICATIONS TO SWISS TEXT DESIRED BY UK AND FRG, WE DO NOT BELIEVE TWO FURTHER SMALL MODIFICATIONS OF "RESPONSIBILITIES" IN FRENCH TEXT WHICH SOVIETS HAVE URGED US TO CONSIDER FURTHER WOULD BE USEFUL. "SPECIFICALLY DEFINED" IS DANGEROUS AT LEAST FOR THOSE QRR'S WHICH ARE NOT CLEARLY SET FORTH IN AN INTERNATIONAL AGREEMENT. "RECOGNIZED" WOULD PROBABLY NOT BE SO BAD SINCE WE COULD ARGUE THAT QRR'S HAVE BEEN RECOGNIZED IN VARIOUS CONTEXTS INCLUDING UN CHARTER, QUADRIpartite AGREEMENT AND QUADRIpartite DECLARATION, BUT WE ARE DOUBTFUL THAT THIS SMALL CHANGE IN ITSELF

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WOULD MAKE THE FRENCH TEXT MORE PALATABLE TO NEUTRALS. WE NOTE, IN THIS CONNECTION, THAT AS SUGGESTED ORIGINALLY BY SWISS TO FRENCH (REF E) IT WAS USED NOT SEPARATELY BUT IN LINKAGE WITH "SPECIFICALLY DEFINED". UK HAS ALREADY TOLD US IT NOT ACCEPTABLE FOR THEM.

8. ONCE ALLIED HOUSE IS SLIGHTLY MORE IN ORDER, OUR PREFERENCE WOULD BE TO ENCOURAGE FRENCH TO PUT SWISS TEXT ON TABLE WITH SOVIETS (WE ARE ALL VIRTUALLY CERTAIN THAT SWISS HAVE ALREADY TOLD THEM OF IT) SO THAT WE CAN GET DISCUSSION ONTO SPECIFICS. IF SOVIETS THEN CONTINUE TO URGE MAJOR FOUR POWER PUSH FOR PRESENT FRENCH TEXT, WE REMAIN INCLINED TO SUGGEST TO OUR ALLIES THAT WE ENCOURAGE NEUTRALS TO FIND OPPORTUNITY TO CONVEY THEIR VIEWS TO SOVIETS BEFORE WE CONSIDER ADOPTING SOVIET TACTICS, WHICH WE CONTINUE TO BELIEVE WOULD BE COUNTER-PRODUCTIVE AND POLITICALLY INADVISABLE.

9. ACTION REQUESTED: WE WOULD APPRECIATE DEPARTMENT'S ASSESSMENT OF MODIFICATIONS TO SWISS TEXT SUGGESTED BY UK AND FRG AS WELL AS ANY FURTHER THOUGHTS IT MAY HAVE ON "SPECIFICALLY DEFINED" AND "RECOGNIZED" OPTIONS URGED

BY SOVIETS.DALE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COLLECTIVE SECURITY, BERLIN QUADRIPARTITE MATTERS, NEGOTIATIONS, OCCUPIED TERRITORY GOVERNMENT  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 MAY 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA03533  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750169-0672  
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**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 GENEVA 3284, 75 GENEVA 3126, 75 GENEVA 3059  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <19 MAY 2003 by CunninFX>; APPROVED <20 MAY 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CSCE: QUADRIPARTITE RIGHTS AND RESPONSIBILITIES  
**TAGS:** PGOV, MARR, PFOR, XG, WB, US, CSCE  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006